

E-Filed 12/7/15

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

24/7 CUSTOMER, INC.,

Plaintiff,

v.

24-7 INTOUCH, et al.,

Defendants.

Case No. 14-cv-02561-EJD (HRL)

**ORDER ON DISCOVERY DISPUTE  
JOINT REPORT 1**

Re: Dkt. No. 70

24/7 Customer, Inc. ("Plaintiff") sues 24-7 Intouch and Ascenda USA, Inc. ("Defendants") for trademark infringement, false advertising, and unfair competition. On October 8, 2015 Plaintiff moved the court to enforce a settlement agreement and Defendants opposed the motion. The parties disputed whether, in light of the pending dispositive motion, discovery should proceed. Fact discovery closed on October 16, 2015. The parties were unable to resolve their dispute and so they filed Discovery Dispute Joint Report ("DDJR") 1 on October 19, 2015. Dkt. No. 70. Judge Edward J. Davila, the presiding district judge, denied Plaintiff's motion to enforce settlement. Dkt. No. 92.

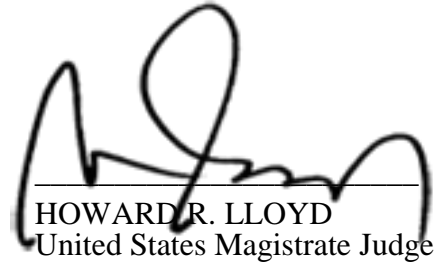
Defendants assert that Plaintiff stopped participating in discovery several weeks before fact discovery closed and that Plaintiff therefore failed to fulfill its discovery obligations. Plaintiff responds that it could have fulfilled its discovery obligations if settlement had not made further discovery imprudent. Dkt. No. 70 at 6. Defendants request that the court compel the production of the discovery materials withheld by Plaintiff as well as the availability of deponents for depositions. *Id.* at 10.

The purported settlement was the basis for Plaintiff withholding discovery materials and for Plaintiff failing to provide deponents for depositions, but Judge Davila has since ruled that there was no valid settlement in this case. The court therefore compels Plaintiff to, within 14

1 days, complete its document production, respond in full to Defendants' written discovery requests,  
2 and provide deposition dates on or before January 21, 2016 for each of its noticed deponents.  
3 Plaintiff shall also make all of its witnesses available for deposition on or before January 21, 2016.

4 **IT IS SO ORDERED.**

5 Dated: 12/7/15

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HOWARD R. LLOYD  
United States Magistrate Judge